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Animal Welfare Information Center Newsletter

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Legislation Update

● S. 2830 Food, Agriculture, Conservation, and Trade Act of 1990

Introduced July 6, 1990, to the Committee on Agriculture, Nutrition, and Forestry by Senator Patrick Leahy (D-VT). This act discusses agricultural export, resource conservation, sustainable agriculture, agricultural research, and related programs. The "Pet Theft Act of 1990" is incorporated under Subtitle E - Miscellaneous Provisions. This section includes stipulations for obtaining live random source dogs and cats.

● S. 2880 A bill to allow the Secretary of the U.S. Department of Agriculture or other appropriate official to protect persons engaged in a lawful hunt within a National Forest or on other lands affected with a Federal interest; establishing an administrative civil remedy against individuals or groups intentionally obstructing, impeding, or interfering with the conduct of a lawful hunt; and for other purposes."

Introduced July 19, 1990, to the Committee on Environment and Public Works by Senator Conrad Burns (D-MT).

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Animal Welfare Regulations

by

Dr. Tim Mandrell

Regulatory Enforcement and Animal Care
Animal and Plant Health Inspection Service

The Animal Welfare Act (7 U.S.C. 2131-2157) authorizes the Secretary of Agriculture to promulgate humane standards and record keeping requirements governing animal sales, purchases, and handling. The act, furthermore, requires the Secretary to promulgate standards for care, treatment, and transportation of animals. These requirements, mandated by Congress, are implemented through the U. S. Department of Agriculture's (USDA) Animal Welfare Regulations, Title 9, Code of Federal Regulations. In short, Congress made the law and the USDA was issued the responsibility to ensure that this law was carried out.

The regulations are developed by Regulatory Enforcement and Animal Care (REAC), the unit within the Animal and Plant Health Inspection Service (APHIS) that is responsible for enforcing the Animal Welfare Act (AWA). The USDA is required to develop and publish new regulations in response to: 1) amendments to the act, 2) changes in USDA policy, or 3) the need for changes in the existing regulations.

First, any amendment to the AWA necessitates the promulgating of new regulations. Thus, when the act was amended by Congress in 1970, 1976, and 1985, new regulations were developed. The 1985 amendments to the AWA were

rather specific; they included requirements for the exercise of dogs and an environment to promote the psychological well-being of non-human primates. Therefore, the regulations required to promulgate

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Editor's Corner

Producing a newsletter, as some of our readers may know, comes with a variety of challenges. Mastering the nuances of our desk-top publishing system and the editorial process takes patience and a tolerant staff. However, we hope that smoother sailing is on the horizon and that our first issue of the Animal Welfare Information Center Newsletter has charted the course for calmer water.

Kevin Engler, who was the editor for Volume I, nos. 1 & 2 and largely responsible for guiding the newsletter through unknown territory, has left the Animal Welfare Information Center (AWIC) to take a position with the Federal Information Exchange Service as Director of Information Services. Those of you who have had the opportunity to interact with Kevin during his tenure at AWIC are aware of his pleasant manner and expertise. The AWIC staff wish Kevin the best of luck. He will be missed.

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Editor's Corner cont'd...

Volume I, no. 3 is dedicated to the topic of animal welfare regulations as mandated by the Animal Welfare Act. Dr. Tim Mandrell of the Animal and Plant Health Inspection Service (APHIS), Regulatory Enforcement and Animal Care (REAC) division, is our featured writer. Dr. Mandrell has been "hiking" the conference trail all summer speaking about the regulatory process. In addition, a historical background on the Animal Welfare Act and its amendments is provided as a supplement to our featured article.

In closing, I would like to inform our readers that we welcome constructive feedback on all of our publications. Many of our ideas come from persons who patronize the Center and express the needs of the community we are mandated to serve. We would appreciate knowing which information products you find most useful, which formats are easy to use and what topics you would like to see covered in upcoming issues of the newsletter. AWIC hopes to hear from you!

Regulations cont'd...

these amendments must reflect the intent of Congress. Second, any change in policy by the USDA requires new regulations. A policy change may be influenced by political or public pressure, or by recommendations from within the USDA, as was the case when the Department announced its intent to issue regulations for farm animals used in biomedical research and non-agricultural exhibition. The USDA has had the authority to promulgate regulations for all warm-blooded animals used in non-agricultural research or exhibition since 1970. However, the Act states that the Secretary may determine, by policy, which species of animals should be regulated. Hence, the authority to regulate farm animals was not exercised until that policy was changed.

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THE ANIMAL WELFARE ACT AND ITS AMENDMENTS

by

*Karen J. Clingerman, M.S.
Animal Welfare Information Center*

The Animal Welfare Act (P.L. 89-544) was originally passed in 1966. Since then, the Act has been amended three times: in 1970 (P.L. 91-579), 1976 (P.L. 94-279), and 1985 (P.L. 99-198). The amendments served to broaden the scope of the act, as well as to further define certain aspects of the use of animals in research. The coverage of the Animal Welfare Act and its amendments within this article is not intended to be comprehensive. The purpose of this article is to provide a general overview of the act and its amendments and to discuss certain changes within the act as it has been amended.

The purpose of the Animal Welfare Act of 1966 (P.L. 89-544) was to: 1) protect dog and cat owners from the theft of their pets, 2) prevent the sale of stolen animals, and 3) ensure the humane care and treatment of animals intended for use in research. While the term "animal" was defined as any live dog, cat, monkey (nonhuman primate mammals), guinea pig, hamster, or rabbit, only the use or sale of dogs and cats was specifically covered in the act. In the initial act, only research facilities and dealers were regulated. A research facility was defined as a school, institution, organization, or person that uses dogs or cats in research, tests or experiments. A dealer was defined as any person who transports, buys, or sells dogs or cats in commerce for research purposes. The act charged the Secretary of Agriculture with establishing and promulgating standards which governed the humane handling, care, treatment, and transportation of animals by dealers and research facilities. Standards included minimum requirements for housing, feeding, watering, sanitation, ventilation, shelter from extremes in weather and temperature, separation by species, and adequate veterinary

care. However, the standards did not apply during the actual research or experimentation.

The Animal Welfare Act was first amended in 1970. The purpose statements of the original act were amended by replacing "dogs and cats" with the term "animal." In addition, this amendment also ensured that animals intended for use in research facilities, for exhibition purposes, or for use as pets were provided humane care and treatment. The definitions of dealer and research facility were amended to include the transportation, sale, or use of all animals as defined by the act. The term "animal" included any live or dead dog, cat, monkey (nonhuman primate mammals), guinea pig, hamster, rabbit, or such other warm-blooded animal used or intended for use in research, testing, experimentation, exhibition, or as a pet. The term excluded horses and farm animals intended for: 1) use as food or fiber, 2) use in improving animal nutrition, breeding, management, or production efficiency, or 3) use in improving the quality of food or fiber. Exhibitors were included in the act and defined as any person exhibiting animals to the public. This included exhibition of animals in zoos, circuses, or carnivals. Retail pet stores, fairs, livestock shows, rodeos, or purebred dog and cat shows were excluded.

It wasn't until the 1976 amendments that the original act was officially titled the "Animal Welfare Act." The act was expanded to cover intermediate handlers and carriers. An intermediate handler was defined as a person or government agency, other than dealers, research facilities, exhibitors, or carriers, who received custody of animals in connection with their transportation in commerce. A carrier was defined as any operator

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Regulations cont'd...

Finally, regulations must be changed if they are outdated, vague, unenforceable, or in conflict with other regulations or policies. Subsequently, recent regulation changes in minimum space requirements for guinea pigs, hamsters, and rabbits were made to concur with cage size recommendations in the *National Institutes of Health Guide for the Care and Use of Laboratory Animals* (Rev. 1985).

When drafting regulations, APHIS consults with other Federal Agencies and with recognized experts in animal welfare issues. Within APHIS, the Animal Care Staff of REAC is responsible for drafting regulations. They work closely with the Regulatory Analysis Staff of APHIS, the group that puts the draft into regulatory language and coordinates the clearances for publication in the *Federal Register*. Any regulations, whether in proposed or final form, must be approved by the USDA Office of the General Counsel (OGC) and the Office of Management and Budget (OMB) before they can be published in the *Federal Register*. OGC reviews the regulations for

legality and enforceability, and OMB assesses the financial impact on those affected by the regulations. A regulatory impact analysis must also be submitted to OMB. Following these clearances, the regulations are then published in the *Federal Register*. Public comments are solicited for proposed regulations. Following the comment period, the proposed regulations are rewritten--taking into consideration the comments received--and published as final rule in the *Federal Register*. In 1987, after receiving over 10,000 comments on the proposed regulations, the Department elected not to implement final rulemaking. Rather, the Department chose to rewrite and repropose the regulations.

The most recent animal welfare regulations published by the Department are as follows:

1. August 31, 1989 - Final rules for 9 CFR Parts 1 and 2. Part 1, entitled "Definition of Terms," provides the definitions for the terms used in the regulations in 9 CFR Part 2, and the standards in 9 CFR Part 3. Part 2 sets forth the administrative and institutional responsibilities of regulated persons under the act and Part 3 describes the standards for

humane handling, care, treatment, and transportation of regulated animals.

2. April 5, 1990 - The Department published a statement of intent to regulate horses and other farm animals used in biomedical research and nonagricultural exhibition. Comments are being solicited for proposed standards. Until new standards can be developed, the standards in Part 3 Subpart F will be applicable to farm animals.

3. July 16, 1990 - Final rules for 9 CFR Part 3, Subparts B and C are issued. These are final rules for space requirements of primary enclosures used to house guinea pigs, hamsters, and rabbits.

4. August 15, 1990 - Proposed rules for 9 CFR Part 3, Subpart B and C are issued. These are repropose standards for dogs, cats, and nonhuman primates.

Final rules should be in place sometime in fiscal year 1991. In the near future, the Department will be drafting proposed standards for farm animals. A timetable has not been set for these regulations at this time.

NEW PUBLICATIONS AND UPDATES...

- *Essentials for Animal Research: A Primer for Research Personnel*

A recent publication produced through a joint effort between Drs. Taylor Bennett, Marilyn Brown, and John Schofield of the University of Illinois, Chicago and the Animal Welfare Information Center (AWIC) is ready for distribution. *Essentials for Animal Research: A Primer for Research Personnel*, a manual developed from a course offered at the University of Illinois, covers elements that have become essential requirements for conducting responsible research using laboratory animals. Basic principles of pain control, aseptic technique, euthanasia, and the regulatory process are just a few of the topics covered. AWIC is currently dis-

tributing copies of the manual. You may order by calling the Center (301-344-3212), posting a letter, or using our publications request form.

- *Searching AGRICOLA for...Animal Welfare* STS-03
- *Animal Welfare Legislation: Bills and Public Laws January 1990 - June 1990* AWIC Series #4 (Preliminary Report #1)
- *Audio Visuals Relating to Animal Care, Use and Welfare* June 1990 AWIC Series #3
- *Databases for Biomedical, Veterinary and Animal Science Resources* AWIC Fact Sheet

Upcoming Meetings...

Association for Gnotobiotics, Oct. 4-7, 1990. Buffalo, NY. Contact: (716) 845-3105.

Delta Society, Oct. 11-13, 1990. Houston, TX. Contact: (206) 226-7357.

Laboratory Animal Management Association, Oct. 13, 1990. Milwaukee, WI. Contact: (301) 424-6368.

American Association for Laboratory Animal Science, Oct. 14-18, 1990. Milwaukee, WI. Contact: (901) 754-8620.

(cont'd pg. #4)

Animal Welfare Act Cont'd...

of an airline, railroad, motor carrier, shipping line, or other enterprise which is engaged in the transport of animals for hire.

The latest amendment to the Animal Welfare Act was incorporated into the Food Security Act of 1985 (P.L. 99-198). Standards were amended to include not only those contained in the original act, but also minimum requirements for exercise of dogs, as determined by the attending veterinarian, and for a physical environment adequate to promote the psychological well-being of primates. Minimization of pain and distress to animals was prescribed, and the primary investigator was instructed to consider alternatives to the use of animals. Each research facility was required to have an Animal Care and Use Committee of not less than three members, the purpose of which was to represent society's concerns regarding the welfare of animal sub-

jects. Members were to include at least one veterinarian and one non-affiliated member. Research facilities were to provide training for scientists, technicians, and other facility personnel. Training programs included instructions on: 1) the humane use of animals, 2) minimization of pain and distress, 3) the access and utilization of the National Agricultural Library's Animal Welfare Information Center, and 4) methods of reporting deficiencies.

Over the years, the Animal Welfare Act has become more comprehensive in its coverage. Regulations which have resulted from the act and its amendments further define the standards required for the use of animals in research. (For more information on the regulatory process, see the lead article on page 1.)

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Upcoming Meetings Cont'd...

American Association of Zoo Veterinarians, Oct. 21-26, 1990. South Padre Is., TX. Contact: (404) 727-7428.

Humane Society of the United States, Oct. 25-27, 1990. San Francisco, CA. Contact: (202) 452-1100.

American College of Toxicology, Oct. 29-Nov. 1, 1990. Orlando, FL. Contact: (301) 571-1840.

Society for Neuroscience, Oct. 29-Nov. 1, 1990. St. Louis, MO. Contact: (212) 532-9400.

NIH Regional Workshop on Implementation of the Public Health Service Policy on Humane Care and Use of Laboratory Animals. Sponsor: University of Rhode Island, Dec. 3-4, 1990. Contact: URI Conference Center (401) 792-2170 or (401) 792-2833.

United States Department of Agriculture
National Agricultural Library
Animal Welfare Information Center
Newsletter Staff, Room 304
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Janice Swanson, Ph.D., Editor
Karen Clingerman, M.S., Production and Layout
(301) 344-3212

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